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MANAGEMENT DISTRICT  
17

18 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
19

20 SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT, EAST  
21 YARD COMMUNITIES FOR  
ENVIRONMENTAL JUSTICE,  
22 PEOPLE'S COLLECTIVE FOR  
ENVIRONMENTAL JUSTICE, and  
23 SIERRA CLUB,

24 Plaintiffs,

25 v.

26 UNITED STATES  
27 ENVIRONMENTAL PROTECTION  
AGENCY and MICHAEL S.  
28 REGAN, in his official capacity as

Case No. 2:23-cv-02646-JLS-PD  
Case No. 2:23-cv-03545-JLS-PD  
(consolidated)

**NOTICE OF STIPULATION**

1 Administrator of the United States  
2 Environmental Protection Agency,  
3 Defendants.  
4

5 TO THE COURT AND ALL PARTIES:

6 PLEASE TAKE NOTICE that pursuant to section 5 of the Consent  
7 Decree entered by the Court in these consolidated cases on April 15, 2024 (Dkt.  
8 33), the parties have executed the stipulation attached hereto as Exhibit A.  
9

10 DATED: April 15, 2024

SHUTE, MIHALY & WEINBERGER LLP

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12  
13 By:

14 MATTHEW D. ZINN  
15 LAUREN M. TARPEY

16 Attorneys for Plaintiff  
17 SOUTH COAST AIR QUALITY  
18 MANAGEMENT DISTRICT  
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# EXHIBIT A

1 BAYRON T. GILCHRIST (State Bar No. 212393)  
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16 SOUTH COAST AIR QUALITY  
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17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19  
20 SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT, EAST  
21 YARD COMMUNITIES FOR  
ENVIRONMENTAL JUSTICE,  
22 PEOPLE'S COLLECTIVE FOR  
ENVIRONMENTAL JUSTICE, and  
23 SIERRA CLUB,

24 Plaintiffs,

25 v.

26 UNITED STATES  
27 ENVIRONMENTAL PROTECTION  
AGENCY and MICHAEL S.  
28 REGAN, in his official capacity as

Case No. 2:23-cv-02646-JLS-PD  
Case No. 2:23-cv-03545-JLS-PD  
(consolidated)

**STIPULATION**

STIPULATION

Case No. 2:23-cv-02646-JLS-PD

1 Administrator of the United States  
2 Environmental Protection Agency,  
3 Defendants.

4  
5 WHEREAS, on April 7, 2023, Plaintiff South Coast Air Quality  
6 Management District (“SCAQMD”) filed lead Case No. 2:23-cv-02646 JLS-PD  
7 against Michael S. Regan, in his official capacity as Administrator of the  
8 United States Environmental Protection Agency (“SCAQMD Compl.”);

9 WHEREAS, on May 9, 2023, Plaintiffs East Yard Communities for  
10 Environmental Justice, People’s Collective for Environmental Justice, and  
11 Sierra Club (collectively, “Environmental Plaintiffs”) filed now-consolidated  
12 Case No. 2:23-cv-03545 JLS-PD against the United States Environmental  
13 Protection Agency and Michael Regan, in his official capacity as Administrator  
14 of the United States Environmental Protection Agency (“EPA” or  
15 “Defendants”) (“Env. Compl.”);

16 WHEREAS, on November 27, 2023, this Court, on the parties’ joint  
17 motion, consolidated these two related cases for all purposes, Dkt. 23;

18 WHEREAS, Plaintiffs allege that EPA has failed to perform a duty  
19 mandated by CAA sections 110(k)(2)-(4), 42 U.S.C. §§ 7410(k)(2)-(4), to take  
20 final action to approve or disapprove, or conditionally approve, in whole or in  
21 part, a “SIP submittal” entitled “Final Contingency Measure Plan,” submitted  
22 to EPA by the California Air Resources Board on or about December 31, 2019.  
23 SCAQMD Compl. ¶ 12; Env. Compl. ¶ 42. Plaintiffs further allege that the  
24 Final Contingency Measure Plan became complete by operation of law on July  
25 1, 2020, and that EPA had a mandatory duty to take final action on the SIP  
26 submittal by July 1, 2021, SCAQMD Compl. ¶ 14; Env. Compl. ¶ 46;

1 WHEREAS, the relief requested in the Complaints includes, among other  
2 things, an order from this Court to establish a date certain by which EPA must  
3 fulfill its obligations;

4 WHEREAS, the parties have approved in concept a settlement of these  
5 cases and prepared a draft Consent Decree effectuating that settlement, which  
6 provides that EPA will take final action on the SIP submittal no later than  
7 July 1, 2024;

8 WHEREAS, on January 18, 2024, EPA published in the Federal Register  
9 a notice of the proposed Consent Decree and solicitation of public comments  
10 thereon;

11 WHEREAS, the last day for submission of public comments on the  
12 proposed Consent Decree was February 20, 2024;

13 WHEREAS, following EPA's receipt and consideration of public  
14 comments, the parties intend to execute the Consent Decree and file it for entry  
15 by the Court;

16 WHEREAS, on February 2, 2024, EPA published in the Federal Register  
17 a notice of its proposed action on the SIP submittal and solicitation of public  
18 comments thereon;

19 WHEREAS, the last day for submission of public comments on EPA's  
20 proposed action on the SIP submittal is March 4, 2024;

21 WHEREAS, SCAQMD has requested that EPA extend the time for public  
22 comment by 30 days;

23 WHEREAS, such an extension of the comment period would justify a  
24 concomitant 30-day extension of the deadline for final EPA action on the SIP  
25 submittal provided for in the Consent Decree;

26 WHEREAS, on March 1, 2024, EPA published in the Federal Register a  
27 notice of its decision to extend the deadline for submission of public comments  
28

1 on its proposed action on the SIP submittal by 30 days, to and including April  
2 3, 2024;

3 WHEREAS, Paragraph 5 of the Consent Decree provides that the parties  
4 may extend the deadline for final EPA action on the SIP submittal by  
5 stipulation and delivery to the Court of a notice of that stipulation; and

6 WHEREAS, the parties wish to stipulate to a 30-day extension of the  
7 comment period and 30-day extension of the deadline for final action on the  
8 SIP submittal.

9 NOW THEREFORE, the parties hereby stipulate and agree as follows:

- 10 1. Pursuant to Paragraph 5 of the Consent Decree, the deadline for  
11 EPA's final action on the SIP submittal set forth in Paragraph 1 of  
12 the Consent Decree shall be extended by 30 days, to and including  
13 July 31, 2024.
- 14 2. Within five court days after the Court's entry of the Consent Decree,  
15 SCAQMD shall file a Notice with the Court attaching a copy of this  
16 Stipulation, pursuant to Paragraph 5 of the Consent Decree.
- 17 3. This Stipulation may be executed in counterparts, and an electronic  
18 or facsimile copy shall be considered an original.

19  
20 DATED: April 15, 2024

SHUTE, MIHALY & WEINBERGER LLP

21  
22  
23 By: 

24 MATTHEW D. ZINN  
25 LAUREN M. TARPEY

26 Attorneys for Plaintiff  
27 SOUTH COAST AIR QUALITY  
28 MANAGEMENT DISTRICT

1 DATED: April 15, 2024

EARTHJUSTICE

2  
3 By: 

4 FERNANDO GAYTAN

5 Attorneys for Plaintiffs  
6 EAST YARD COMMUNITIES FOR  
7 ENVIRONMENTAL JUSTICE,  
8 PEOPLE'S COLLECTIVE FOR  
9 ENVIRONMENTAL JUSTICE, and  
SIERRA CLUB

10 DATED: April 15, 2024

U.S. DEPARTMENT OF JUSTICE

11  
12 By: 

13 MARTIN F. McDERMOTT

14 Attorneys for Defendants the UNITED  
15 STATES ENVIRONMENTAL  
16 PROTECTION AGENCY and  
17 MICHAEL S. REGAN, in his official  
18 capacity as Administrator of the United  
19 States Environmental Protection  
20 Agency

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